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Cindy and Timothy Abshire,
Alan and Monica Butts,
Nomadness Corporation, and the
Mammoth Lakes Business Coalition

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT CALIFORNIA**

CINDY ABSHIRE, TIMOTHY
ABSHIRE, ALAN BUTTS,
MONICA BUTTS; NOMADNESS
CORPORATION, a California
corporation; and THE MAMMOTH
LAKES BUSINESS COALITION,
an unincorporated membership
association;

plaintiffs,

V.

GAVIN NEWSOM, in his capacity as Governor of the State of California; XAVIER BACCERA, in his capacity as California Attorney General; MARK GHALY, in his capacity as the Health and Human Services Director for the State of California; TOMAS ARAGON, in his capacities as Director of the California State Department of Health and as State Public Health Officer for the State of California; JENNIFER KREITZ, in her capacity as the Chair of the Board of Supervisors of Mono County, California; RHONDA DUGGAN in her capacity as a Member of the Board of Supervisors of Mono County,

Case No. 2:21-CV-00198-JAM-KJN

**STIPULATION AND ORDER TO
CONTINUE MOTION HEARING
DATES**

California; BOB GARDNER in his capacity as a Member of the Board of Supervisors of Mono County, California; JOHN PETERS, in his capacity as a Member of the Board of Supervisors of Mono County, California; STACY CORLESS, in her capacity as a Member of the Board of Supervisors of Mono County, California; THOMAS BOO, in his capacities as Public Health officer for Mono County and the Town of Mammoth Lakes, California; ROB PATTERSON, in his capacity as a Finance Director of the Town of Mammoth Lakes, California; BEN MANNING in his capacity as a Revenue Specialist of the Town of Mammoth Lakes, California; KIM GETCHELL in her capacity as a Revenue Specialist of the Town of Mammoth Lakes, California; JENNA DUNCAN in her capacity as a Revenue Specialist of the Town of Mammoth Lakes, California; DANIEL HOLLER in his capacity as Town Manager of the Town of Mammoth Lakes; BILL SAUSER in his capacity as a Mayor of the Town of Mammoth Lakes, California; LYNDA SALCIDO in her capacity as a Mayor Pro Tem of the Town of Mammoth Lakes, California; JOHN WENTWORTH in his capacity as a Member of the Town Council of the Town of Mammoth Lakes, California; KIRK STAPP in his capacity as a Member of the Town Council of the Town of Mammoth Lakes, California; SARAH REA in her capacity as a Member of the Town Council of the town of Mammoth Lakes, California; and DOES 1-10 inclusive,

defendants.

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STIPULATION

2 WHEREAS, Defendants have filed the following Motions in response to the Complaint
3 in this matter:

- 4 a. Gavin Newsom, Matthew Rodriquez, Mark Ghaly, and Tomás Aragón have
5 filed a Motion for Dismissal Pursuant to Rule 12(b)(6);
6 b. Jennifer Krietz, Rhonda Duggan, Bob Gardner, John Peters, Stacy Corless, and
7 Thomas Boo have filed a Motion for Dismissal Pursuant to Rule 12(b)(6); and
8 c. Daniel Holler, Rob Patterson, Ben Manning, Kim Getchell, Jenna Duncan, Bill
9 Sauser, Lynda Salcido, John Wentworth, Kirk Strapp, and Sarah Rea have filed
10 a Motion for Dismissal Pursuant to Rule 12(b)(6);

11 WHEREAS, each of the foregoing Motions is currently scheduled to be heard on May
12 18, 2021 at 1:30 p.m. in Courtroom 6, 14th Floor, before the Honorable John A. Mendez;

13 WHEREAS, the parties have agreed to continue the hearings on the Defendants'
14 Motion;

15 NOW THEREFORE, the parties, through undersigned counsel, hereby stipulate as
16 follows:

- 17 1. The hearing dates on the following Motions may be continued to June 8, 2021
18 at 1:30 p.m. in Courtroom 6, 14th Floor:
19 a. Gavin Newsom, Matthew Rodriquez, Mark Ghaly, and Tomás Aragón's
20 Motion for Dismissal Pursuant to Rule 12(b)(6);
21 b. Jennifer Krietz, Rhonda Duggan, Bob Gardner, John Peters, Stacy Corless, and
22 Thomas Boo's Motion for Dismissal Pursuant to Rule 12(b)(6); and
23 c. Daniel Holler, Rob Patterson, Ben Manning, Kim Getchell, Jenna Duncan, Bill
24 Sauser, Lynda Salcido, John Wentworth, Kirk Strapp, and Sarah Rea's Motion
25 for Dismissal Pursuant to Rule 12(b)(6);
26 2. Plaintiff's Opposition to the Motions shall be filed and served by May 18, 2021.
27 3. Defendants' Replies in support of Motions shall be filed and served by June 1,
28 2021.

4. Except as so stipulated, the Motions that are the subject of this stipulation shall go forward as previously noticed.

BAILEY AND ROMERO

/s/ Steven C. Bailey

Steven C. Bailey
Attorneys for Plaintiffs Cindy and Timothy Abshire,
Alan and Monica Butts, Nomadness Corporation, and the
Mammoth Lakes Business Coalition

MATTHEW RODRIGUEZ
Acting Attorney General of California

/s/ Matthew Rodriguez (as authorized on 4/26/21)
Assstant Attorney General
Attorneys for Gavin Newsom, Matthew Rodriguez,
Mark Ghaly, and Tomás Aragón (in their official
capacities)

SELMAN BREITMAN LLP

/s/ Danielle K. Lewis (as authorized 4/23/21)
Attorney for Defendants Jennifer Krietz, Rhonda
Duggan, Bob Gardner, John Peters, Stacy Corless, and
Thomas Boo

MEYERS NAVF

/s/Deborah J. Fox (as authorized 4/23/21)
Deborah J. Fox
Attorneys for Defendants, Daniel Holler, Rob
Patterson, Ben Manning, Kim Getchell, Jenna Duncan,
Bill Sauser, Lynda Salcido, John Wentworth, Kirk
Strapp, and Sarah Rea

ORDER

Pursuant to the Stipulation of the parties, it is hereby ORDERED,

The hearings for the following Motions, which are currently scheduled for hearings on May 18, 2021 at 1:30 p.m. in Courtroom 6, 14th Floor, are continued to June 8, 2021 at 1:30 p.m. in Courtroom 6, 14th Floor:

- a. Gavin Newsom, Matthew Rodriquez, Mark Ghaly, and Tomás Aragón's Motion for Dismissal Pursuant to Rule 12(b)(6);
 - b. Jennifer Krietz, Rhonda Duggan, Bob Gardner, John Peters, Stacy Corless, and Thomas Boo's Motion for Dismissal Pursuant to Rule 12(b)(6); and
 - c. Daniel Holler, Rob Patterson, Ben Manning, Kim Getchell, Jenna Duncan, Bill Sauser, Lynda Salcido, John Wentworth, Kirk Strapp, and Sarah Rea's Motion for Dismissal Pursuant to Rule 12(b)(6).

Plaintiff's Opposition to the Motions shall be filed and served by May 18, 2021. Defendants' Replies in support of Motions shall be due on June 1, 2021. The Motions shall otherwise go forward as previously noticed.

DATED: April 29, 2021

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE